

Eligibility for Advice and Representation Guidance

The following fact sheet is a summary of some of the key pieces of information that may support you to resolve your current issue and to manage the immediate situation. If you are an eligible member and require further advice, please see the link at the bottom of the page.

Introduction

Thank you for your enquiry to the BASW / SWU Advice and Representation service. We want to ensure that we provide you with the best possible service and, in order to do so, have set out the remit of our support based on the eligibility criteria.

Advice and Representation

New members become eligible for advice and representation after **one month** of membership for any **new issues** that arise. It is important to note that any **known pre-existing** issues or issues that arise in the first month of membership **do not ever become eligible for** either advice or representation.

A pre-existing issue is defined as a matter that was **known about**, or in process at the time of joining the organisation. If the known issue subsequently results in a **formal process**, such as capability, grievance or disciplinary, that formal process is considered to have arisen from the known issue and **remains ineligible for representation**.

It is important to note that eligibility criteria exist in most other unions, the reason being one of fairness to all members, many of whom may have been paying membership fees for some years and have not required individual advice or representation. Being a member of a union or a professional body is much more than individual representation and confers a range of other benefits. The consistent and fair application of eligibility criteria is vital to ensure that longer serving members, who have joined for collective or other reasons and not just when a problem has come up, are not disadvantaged.

Advice and Representation Service

Telephone – 0121 6228413

Email - ARAS@basw.co.uk

BASW / SWU

Whilst we are closely linked, BASW and SWU are separate entities and have separate membership rules.

If you have joined BASW, but not SWU, the normal one-month clock starts ticking from the date of joining before you receive BASW representation.

If you were to decide, however, to join SWU at a later date, a new one-month clock would start again from the date of you joining SWU before you could receive trade union representation. It should be noted that this would, again, not be in relation to pre-existing claims or issues.

Exception

If you were a member of BASW prior to September 2017 but have recently joined SWU, an additional one-month time period does not apply.

Recognition by Employers

It is important to note that, if you are a member of BASW but not SWU, whilst we are able to represent you as BASW members only, some employers will not let BASW represent in their organisation. They are legally allowed to do this; however, they are not legally allowed to deny access to a SWU trade union official for grievances and disciplinary proceedings.

Section 10 of the Employment Rights Act 1999 creates a statutory right for a worker to be accompanied by a fellow worker or trade union official of their choice during grievance and disciplinary procedures.